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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Gale, Nicholas W., et al.

U.S. Serial No.: 10/055,842

Examiner: D. Jones

Filing Date: January 23, 2002

Group Art Unit: 1616

Title: METHODS OF IMAGING AND TARGETING VASCULATURE

Certificate of Mailing

I hereby certify that this paper is being deposited on this date with the U. S. Postal Service as first class mail addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Bernadette B. Fahey
Bernadette B. Fahey

March 27, 2003
Date

March 27, 2003

Commissioner of Patents and Trademarks
United States Patent and Trademark Office
Washington, DC 20231

SIR:

RESPONSE TO THE MARCH 10, 2003, RESTRICTION REQUIREMENT

This paper is submitted in connection with the above-identified U.S. Patent Application and is responsive to the Restriction Requirement that was mailed by the United States Patent and Trademark Office on March 10, 2003. A response to March 10, 2003, Restriction Requirement is due on April 10, 2003, and as such this response is being timely filed.

Detailed Response

Disposition of the Claims

Claims 1-42 are currently pending in the application and are the subject of a Restriction Requirement.

The Examiner has taken the position that the subject application contains two separate inventions or groups of inventions and has required restriction to one of those groups under 35 USC §121. The Examiner has identified these groups as

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Response To March 10, 2003, Restriction Requirement
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follows: Group I, consisting of claims 1, 2, 4-8, 10, 13, 14, 17-20, 22, 23, 25-28, 33-36 and Group II consisting of claims 1, 3-7, 9-18, 21, 22, 24-26, 29-34, 37-42.

Election

Applicants hereby provisionally elect Group II, consisting of claims 1, 3-7, 9-18, 21, 22, 24-26, 29-34, 37-42, and respectfully traverse the Restriction Requirement as follows.

With respect to Groups I-II, Applicants contend that it would not be a serious burden on the Examiner to search the Groups together. A search of the literature for the methods of Group I would be the nearly identical to the search performed for Group II as each group shares the central requirement of ephrin-B2 expression. Applicants respectfully contend that restriction of claims 1-42 into two Groups is not proper and request that the Examiner reconsider and withdraw the Restriction Requirement. Applicants believe that because all of the claims are so closely related, they should remain in the same application to preserve unity.

Applicants reserve the right to file a divisional application for the claimed subject matter of Group I and do not waive any rights or abandon any subject matter in the non-elected claims of Group I.

No fee is deemed necessary in connection with filing this paper. However, if any fee is necessary, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 18-0650.

Respectfully submitted,

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